REMARKS

This amendment is responsive to the Final Office Action dated October 17, 2008. Applicant has amended claims 1, 7, 12, 13, 17, 23, 28, 29, 33, 40 and 43 and cancelled claims 2-6, 8-11, 18-22, 24-27, 34, 36-38, 41-42 and 44-45. Claims 1, 7, 12-17, 23, 28-33, 35, 39, 40 and 43 are pending upon entry of this amendment.

Rejection for Obviousness-type Double Patenting

The Examiner provisionally rejected claims 1, 17, 33, 40, 46 and 53 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 41 of co-pending U.S. Patent 7,233,975 (U.S. Patent Application No. 10/223,813) and U.S. Patent 7,483,965 (U.S. Patent Application No. 10/339,719).

A Terminal Disclaimer accompanies this Amendment. The disclaimer is made to expedite issuance and is not intended as an admission that any claim of the present application is the same or an obvious variant of those of U.S. Patent No. 7,233,975 and U.S. Patent Application 10/339,719. This disclaimer obviates the double patenting rejection.

Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1-3, 6-9, 12-15, 17-19, 22-25, 28-31, 33-34, 36-41, 43-46, 49, 50, 52, 53 and 55 under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. (US 2005/0114315) in view of Boyle (US 2003/0070063). The Examiner rejected claims 4, 5, 10, 11, 20, 21, 26, 27, 35, 42, 47, 48, 51 and 54 under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. in view of Boyle as applied to claims 3, 8, 19, 24, 34, 41, 46 and 51 and further in view of Allen et al. (US 7,000,161). The Examiner rejected claims 16 and 32 under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. in view of Boyle as applied to claims 15 and 31 and further in view of Slaby (US 6,587,124).

Applicant respectfully traverses the rejections to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions.

As one example, the applied references fail to teach or suggest a method that includes temporarily committing, in response to a first commit command from the client, the candidate configuration data to temporarily restore the archived configuration data as the operational configuration data of the network device. Moreover, the references fail to teach or suggest, upon temporarily committing the candidate configuration data, enabling a timer within the network device, and, in response to receiving a second commit command from the client prior to the timer exceeding a pre-set time limit, permanently committing the candidate configuration data to restore the archived configuration data as the operational configuration data of the network device, as recited by amended claim 1.

As cited by the Examiner, Tanner at ¶¶ [0058] - [0059] describes a client utilizing a "commit lock" on particular configuration data. Tanner at ¶ [0058] explains that the commit lock operates as a write lock allows only one client to edit the particular configuration data. Tanner at ¶ [0046] explains that once a user if finished editing the data they can "save" the updated configuration data. Tanner at ¶ [0047] explains that the client device sends the updated configuration data to the network device but the network device does not yet implement the updated configuration data until the user notifies the network device to implement the changes. Tanner at ¶¶ [0054] - [0055] describes the commit process in further detail:

> **[0054]** In step **416** a user input to request that the updated configuration data be implemented by network device **104** is detected. The user input may include, for example, selection of user interface object **226** (COMMIT) to request that the changes be committed on network device **104**. In response to detecting this user input, a request is sent to network device **104** to request that network device **104** implement the updated configuration data.
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> **[0055]** In step **418**, GUI **112** is updated to reflect that the updated configuration data has been implemented by network device **104**. This may be performed, for example, in response to receiving a confirmation message from network device **104** indicating that the updated configuration data has been implemented by network device **104**. Updating of GUI **112** may include, for example, changing the visual appearance of user interface object **206** to visually indicate that the updated configuration data for the COMMON interfaces functional area has been implemented on network device **104**.

Tanner makes clear that the user selects COMMIT to request that the changes be committed at the network device. In response, the Tanner network device immediately implements the updated configuration data and sends a confirmation message back to the client. Thus, the network device in Tanner utilizes the conventional a commit-based model described in Applicant's Background at ¶ [0005].

Consequently, Tanner does not teach or suggest, in response to a first commit command from the client, *temporarily committing* the candidate configuration data *to temporarily restore the archived configuration data as the operational configuration data of the network device*, as required by amended claim 1. Further, this conventional use of a commit command in Tanner does not teach or suggest, *upon temporarily committing the candidate configuration data, enabling a timer within the network device, and, in response to receiving a second commit command from the client prior to the timer exceeding a pre-set time limit, permanently committing the candidate configuration data to restore the archived configuration data as the operational configuration data of the network device*, as recited by amended claim 1. Tanner does not contemplate use of two different commit commands, one that temporarily commits the candidate configuration data for only a pre-set time limit and a second one that permanently commits the candidate configuration data.

For similar reasons, the cited references fail to teach or suggest, *upon expiration of the timer without receiving the second commit command with the network device, executing a first rollback to undo any changes to the operational data from the archived configuration data as loaded into the candidate configuration data*, as required by claim 1. For example, as explained, the cited references fail to teach or suggest use of two different commit commands. Moreover, the cited references fail to describe use of a timer after the first commit command to undo changes to the operational data when the second commit command is not received prior to expiration of the timer. As the references fail to contemplate two different commit commands, they fail to describe the use of a timer to define a pre-set time limit for receiving the second commit command and for undoing changes to the operation data when that second commit command is not received within the period. Allen at col. 2, ll. 40-50, as cited by the Examiner

with respect to previously pending claim 5, for example, describes a programmable logic device (describes in Allen as an SRAM or EPROM) use of circuitry that loads configuration data for the SRAM or EPROM and, if configuration failure occurs, loads a default configuration data for the memory device. The programmable logic circuitry of Allen does not provide an interface that uses a commit-based configuration approach and does not teach or suggest use of two different commit commands when making changes to the configuration data. Moreover, the Allen circuitry must detect configuration failure, rather than starting a timer upon receiving a first commit command and, upon expiration of the timer without receiving the second commit command with the network device, executing a first rollback to undo any changes to the operational data from the archived configuration data as loaded into the candidate configuration data, as required by claim 1.

Further, the applied references fail to teach or suggest, upon failure of the communication session prior to receiving the second commit command, executing a second rollback to undo any changes made to the candidate configuration data by the archived configuration data to ensure the candidate configuration is synchronous with the operational configuration of the network device. The references fail to teach two different commit commands and two different rollbacks, i.e., a first rollback that is applied *to the operational data* when the second commit command is not received within the pre-set time limit, and a second rollback that is applied *to the candidate configuration data* when the communication session fails prior to the second commit command.

For at least these reasons, the applied references fail to establish a prima facie case for obviousness of Applicant's claim 1 under 35 U.S.C. 103(a). These reasons similarly reveal the deficiencies of the references with respect to the other independent claims as amended herein. Additionally, the dependent claims are allowable by virtue of their dependency on the amended independent claims. Reconsideration and withdrawal of the rejections is therefore requested.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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